

Joseph R. BYRUM
Appln. No. 09/552,087
Page 5

Remarks

Claims 3, 5-7, 9, 10 and 12-20 are pending. Claim 12 has been amended to correct typographical errors. Specifically, claim 12 has been amended to delete the word "according." Claims 5 and 6 have been amended to delete duplicative language which was inadvertently included in the claims and to facilitate the issues on appeal. More specifically, claims 5 and 6 have been amended to overcome the Examiner's objection to these claims. See Final Action at page 3. Support for these amendments can be found throughout the specification as originally filed, for example, at page 62, line 10 through page 63, line 13, and page 71, line 10 through page 80, line 19. Upon entry of the amendments, Applicants believe that claims 9 and 10 should no longer be considered substantial duplicates should claims 5 and 6 be found allowable. No new matter enters by way of these amendments.

The present Amendment clarifies issues on appeal and does not present new matter. Further, it is submitted that the present Amendment does not raise new issues requiring further search and consideration by the Examiner. As such, entry of the foregoing Amendment is respectfully requested.

1. Provisional Rejection of Claims 3, 5, 6, 7, 9 and 10 for Double Patenting

Claims 3, 5-7, 9-10, and 12-20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 and 16 of copending Application No. 09/421,106. Office Action at pages 10-11. As this rejection is provisional, Applicant respectfully requests that the rejection be held in abeyance until allowable subject matter is identified in accordance with M.P.E.P. § 804.

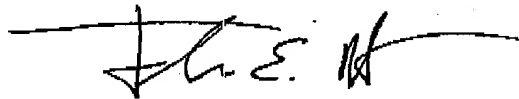
Joseph R. BYRUM
Appln. No. 09/552,087
Page 6

Upon notification of otherwise allowable subject matter, Applicants will traverse or file a terminal disclaimer, as appropriate, if a non-provisional double patenting rejection is applied to the then-pending claims.

Conclusion

Applicant believes that the present Amendment is in proper condition for entry in this application. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at the number provided below.

Respectfully submitted,



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